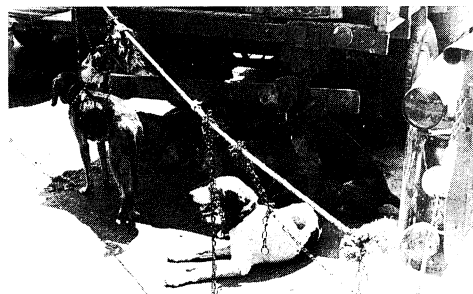


The Plight of Laboratory Animals

THE LEGISLATIVE SITUATION



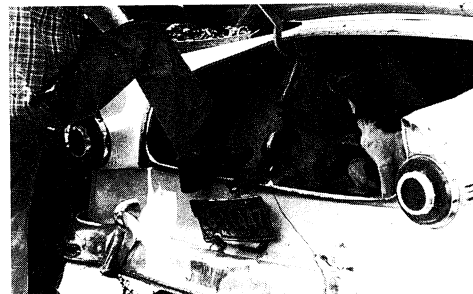
Photograph of the interior, upper deck of Paul Anthony's truck taken during early morning raid of the Fairfield County dog pound. USDA rules say that animals shall have adequate room to stand and lie in a normal position.



A typical example of how dogs are transported to auctions. Two dogs await sale at an auction in Scottsboro, Ala. Note the chain on the dog in the upper part of the picture is so tight that the animal cannot lie down.



Emaciated and mange-ridden dog at dealer raided by Delaware SPCA is held by SPCA agent William Tucker. Animal had to be destroyed on advice of veterinarian.



Dogs awaiting purchase at the Scottsboro auction. Laboratory animal dealers, many holding federal licenses, gather to trade at auctions. HSUS has found that some trade animals without actually going through the auction procedure.



This dealer was selling animals without a federal license. His activities have been reported to USDA and, after Delaware SPCA raid, he asked USDA if he could get a license.



Cats at a Pennsylvania auction stacked in crates awaiting purchase and eventual shipment to laboratories. Trade in cats is substantial and continues to expand at an increasing rate as research activity mushrooms.

PUBLIC LAW 89-544—IS IT REALLY WORKING?

In August 1966 President Lyndon B. Johnson signed into law P.L. 89-544, the Laboratory Animal Welfare Act. Many humanitarians, misled by the name, breathed a sigh of relief that protection of pets from theft and cruel conditions at laboratory animal dealers had finally been achieved.

Unfortunately, some elements in the humane movement have misunderstood and misinterpreted the purpose of this law. They attribute to it coverage which it simply does not give to animals suffering in research laboratories. And they use this false conclusion as an argument for not supporting the Rogers-Javits bills, HR 12286 and S. 2446, which would require humane care and treatment of virtually all warmblooded vertebrate animals used in nearly all institutions engaged in biomedical or pharmaceutical work.

The fact is that Public Law 89-544 is not intended, and never was intended, to end the abuses to animals that have become routine in so many animal-using research facilities.

The real purpose of the law is clearly stated in the Preamble which reads: "That, in order to protect the owners of dogs and cats from theft of such pets, to prevent the sale or use of dogs and cats which have been stolen, and to insure that certain animals intended for use in research facilities are provided humane care and treatment, it is essential to regulate the transportation, purchase, sale, housing, care, handling, and treatment of such animals by persons or organizations engaged in using them for research or experimental purposes or in transporting, buying or selling them for such use."

In other words, this legislation basically provides for regulation of certain laboratory animal suppliers. It does NOT direct itself to the protection of animals undergoing experimentation, the most painful part of research work. It is clear, then, that additional, comprehensive legislation like the Rogers-Javits bill

is needed to stop suffering among the millions of animals used in experiments and tests every year. What is not so clear is that Public Law 89-544 itself is not being properly enforced. Let's take a look at the facts of administration and enforcement as uncovered by thorough and continuing HSUS investigations.

The U.S. Department of Agriculture has done a good job in some areas despite a low appropriation of \$300,000, a million and a half dollars less than the minimum requested for effective enforcement of the Act. Most of the improvements have been made in the treatment and housing of laboratory animals on the premises of dealers in animals for biomedical and pharmaceutical work. But even here, there are serious shortcomings:

HOUSING

In many areas dealers are inspected by USDA only when a complaint is made. Because of budget limitations these inspections are, at best, infrequent and sometimes inadequate.

USDA investigators interpret the published rules and regulations in different ways. For example, a New York humanitarian recently complained to USDA that the shed used by George Holbert, a federally licensed dealer in upper New York state, had no heat or ventilation despite temperature fluctuations in that area from a high of over 100 degrees to a low of 20 degrees below zero. The USDA investigator told the humanitarian that this was perfectly all right because "the dogs become acclimated to it."

In a recent case, the Delaware S.P.C.A. (Wilmington, Del.) raided a dog dealer in Dover and removed 140 dogs. It was known that this man was selling dogs to other dealers who are federally licensed and that fact had been reported to USDA. He had once before been arrested for cruelty and the shocking conditions have led to ten more counts of cruelty placed by the Delaware S.P.C.A. Elmer Bailey, Director of Humane Edu-

cation for the S.P.C.A. said, "He has old dilapidated chicken houses. There is no light, no water in the place. His facilities are terribly inadequate. I don't see how we could permit this man to keep animals under such conditions."

This case has yet to come to court, but the USDA claims it can take no action and has no jurisdiction until a person has actually obtained a federal license. Are we to believe that the very reason the law was passed—to license dealers—is unenforceable? If this is true, then changes are needed in the rules and regulations or the law itself.

In October 1968 The HSUS California Branch, in cooperation with the Berkeley police, raided the A.Z.O. Research Laboratories in Berkeley. At that time, A.Z.O. Research Laboratories was listed on the published list of federally licensed dealers.

A report by The HSUS California Branch Executive Director reads, "Through the all prevailing stench we continued past pans of rats covered by wire mesh with no food, no water, and standing in their own excretions which were several inches thick." The report continues, "Beyond the door in a small room were 47 dogs, some dead, some dying, all crammed into 20 cages where there was no water and no receptacle for water and no food and no receptacle for food. They were standing and lying in their own excrement which covered the floor areas of the cages to inches in depth."

These conditions existed at a federally licensed and, supposedly, inspected laboratory animal supply dealer.

SOURCES OF SUPPLY OF LABORATORY ANIMALS

In many sections of the country animals are being obtained by questionable methods from dog wardens. Probably the most flagrant abuses are in the states of Ohio, West Virginia, Virginia, and New Jersey.

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THE ROGERS-JAVITS BILL—WILL IT WORK?

Without restraint by any law, an immense amount of avoidable physical pain is now being inflicted every year on animals used in research, testing, teaching, and the production of pharmaceutical materials. Because much of it can be avoided without impeding medical research or any other necessary or useful activity, the Rogers-Javits bill was written and introduced.

Opponents of the Rogers-Javits bill have claimed in glowing terms that, under Public Law 89-544, the U.S. Department of Agriculture has made inspection visits to 1,177 sites of 559 registered research facilities. This kind of claim is treacherously misleading since it ignores that over 17,000 research grants are made every year and over 10,000 experimental laboratories are not affected in any way by Public Law 89-544. It also fails to consider that USDA can inspect animals only before they are used for research. And, of course, the law specifies that the research institution or researcher alone can decide when an animal is actually being used in a research project. At that time all inspection authority of USDA ceases.

The Rogers-Javits bill deals with this problem by covering all facilities receiving federal grants for research purposes, an estimated 12,000 institutions. It also provides protection for animals both in and out of the experimental process, giving complete protection during their entire stay in the laboratory. Further, this complete coverage is extended beyond the six species of animals named in Public Law 89-544 (dogs, cats, monkeys, rabbits, hamsters, and guinea pigs) to nearly all warmblooded vertebrate animals.

The argument has also been made against the Rogers-Javits bill that it would repeal important sections of Public Law 89-544. This simply isn't true. The new bill leaves existing law exactly as it is and does not repeal or rescind any section of it.

Another allegation sometimes made against the Rogers-Javits bill is that the proposed enforcing agency, the U.S. Department of Health, Education and Welfare, would not effectively administer the law, if passed. The HSUS holds no brief for HEW which has made no effort in the past to correct inhumane conditions in laboratories.

At the same time, the Society recognizes that very little could have been done in the absence of controlling legislation and what a government agency will do when a law is in effect is another matter. Neither HEW nor any other government agency can willfully flout the will of the people and Congress by not enforcing a federal law assigned to it. Also if HEW did not enforce the Rogers-Javits bill, if it were passed, the humane movement would have plenty of recourse through Congressional hearings and the courts to make the agency perform. As the bill is written, it is certain that whatever agency is assigned the task of administration will have to do a good job.

It is equally certain therefore that this is not a valid argument against the bill. In fact, Congress will consider administration and enforcement by agencies other than HEW if humanitarians make that wish known to their Representatives and Senators. The HSUS, for example, intends to make recommendations when public hearings are held that will call for establishment of a separate, independent administrator. But the principal thing now is to get this important legislation to hearings so that these points can be settled, after testimony, in Congressional committee discussion.

Still another school of thought in the humane movement teaches that reforms in laboratories cannot come until the public and Congress are made aware that research should be done by scientists qualified in the precise sciences like computer stimulation, tissue and organ culture techniques, and so on. It advocates opposition to the Rogers-Javits bill because the bill would not immediately achieve this idealistic state. But the fact

is that the Rogers-Javits bill encourages this very kind of reduction and substitution and specifically calls for the Secretary of the administering agency to make funds available for such purpose. Additionally, there is no real hope of achieving such a highly desirable state without the encouragement and sanction of federal law. The Rogers-Javits bill would give this initial encouragement.

There is no question that the bill will eliminate an enormous amount of suffering without impeding honest and careful research. It will ensure the best and most efficient use of both animals and tax dollars. It will *improve* the quality of medical research and operate to protect the public against dangerously invalid conclusions about drugs, disease, and experimental medical and surgical procedures. It will encourage development of computerized research techniques, humane instruments, statistical design of experimental projects, and substitution of non-sentient and less sensitive forms of life for higher forms. Most important, it will set mandatory requirements for use of anesthesia and pain relieving drugs.

All of these objectives will be achieved through establishment of standards that will be enforced by government inspectors.

With all of this going for the Rogers-Javits bill the answer to the question if it will work is an unqualified yes. Surely, therefore, it deserves the full support of every person who is interested in reducing the suffering of research animals.

The most effective ways in which you can help to stop cruelty in laboratories are:

1. Write your U.S. Representative stating that you support the Rogers bill, HR 12286. Ask him to support and work for this legislation. Urge him to ask Congressman Harley O. Staggers, Chairman of the House Interstate and Foreign Commerce Committee, to schedule hearings

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Public Law 89-544
(Continued from page 2)

One laboratory animal supply dealer in Ohio, who supplies another dealer in Pennsylvania, has admitted that he obtains animals from 18 Ohio pounds even though he has been advised that it is against the laws of the State of Ohio. In many cases dogs are not held the legal length of time and owners of pets never see their animals again. USDA officials admit freely that they believe the laws of the State of Ohio are being violated but contend that they have no jurisdiction because the provisions of P.L. 89-544 are not being violated. Apparently, that animals are being obtained illegally cannot be contested even though this is specifically why the federal law was passed.

In Wheeling, West Virginia, the dog warden is a so-called humane agent, and his wife is a federally licensed laboratory animal supply dealer. In other

words, the dog warden is paid by the counties to pick up and impound animals, many of which probably have owners. His wife can then resell them to laboratories under her federal license. USDA claims it has no jurisdiction as long as the person selling the animals has a federal license.

The dog warden for Lancaster County, Virginia is also a federally licensed dog dealer. His truck has been reported in several counties removed from Lancaster. We have only to ask ourselves which business is more profitable—being dog warden or reselling the animals to laboratories.

In New Jersey the situation is even worse. One dog warden owns two separate pieces of property (one described as a humane animal shelter), several trucks, and employs several workers. He has contracts to pick up dogs in almost 40 communities. He is paid over \$50,000 a year by these communities and maintains that he sells no animals for research purposes.

He also owns property in New Windsor, New York which has been licensed by the USDA as a laboratory animal supply facility. The federal license is held in the name of the dog-warden's brother-in-law. Here again, there is no federal violation because someone, apparently anyone, has obtained a federal license.

TRANSPORTATION

Trucks of laboratory animal dealers continue to ply the highways late at night under the cover of darkness, picking up and delivering animals. In many cases, animals are horribly overcrowded in small pens and cages.

HSUS investigations in Ohio, New Jersey, Pennsylvania, and other states leave no doubt that even licensed dealers are not conforming with the transportation standards of P.L. 89-544.

AUCTIONS AND TRADE DAYS

Although almost 3 years have passed since P.L. 89-544 was enacted, one of the greatest cruelties that was reported to Congress in Congressional hearings still continues. Infamous auctions and trade sale days are still being held in Pennsylvania, Alabama, Missouri, Tennessee and Arkansas.

Literally thousands of dogs are sold at one of these sales and seldom, if ever, is proof of ownership or a bill of sale required. Very seldom is food and water on the premises. USDA officials have been working on changes to the rules and regulations which would include trade days and auctions but they have not yet been completed. Three years of cruelty and questionable trading in dogs is long enough.

CONCLUSION

Don't be misled into thinking that Public Law 89-544, the so-called Laboratory Animal Welfare Act, is perfect and needs no change. It is not. Changes in the law are needed. Changes in the rules and regulations are needed. Greatly increased appropriations are needed.

Let us all work together toward achieving these changes while, at the same time, fighting for the far more extensive and comprehensive protection of experimental animals that can be obtained through enactment of the Rogers-Javits bill.

Rogers-Javits Bill
(Continued from page 3)

as soon as possible. (HR 12286 is now pending before Mr. Staggers' Committee.)

2. Write your two Senators saying that you support the Javits bill, S. 2446. Ask that they support and work for it. Suggest that they ask Senator Ralph W. Yarborough, Chairman of the Senate Labor and Public Welfare Committee, to schedule hearings on S. 2446 as soon as possible. (The bill is pending before Senator Yarborough's Committee.)

3. Write yourself to Congressman Harley O. Staggers and Senator Ralph W. Yarborough urging that they hold public hearings on this legislation very soon. Mr. Staggers may be addressed at House of Representatives, Interstate and Foreign Commerce Committee, Washington, D. C. 20515. Mr. Yarborough receives mail at Senate Labor and Public Welfare Committee, Washington, D. C. 20510.

CLIP AND MAIL TODAY

The Humane Society of the United States
1145 Nineteenth Street, N.W. Washington, D. C. 20036

Enclosed is \$_____ to help in the campaign against the continuing cruelty to animals used in biomedical research.

Enclosed, also, is a special contribution of \$_____ to finance further HSUS investigations into the administration and enforcement of Public Law 89-544.

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(Contributions to The HSUS are tax deductible. A gift of \$10 or more may qualify you as a voting member.)